
From: Edward F. LeBreton, III <lebreton@frfirm.com>
Sent: Wednesday, June 10, 2015 3:28 PM
To: Talton, Chuck
Cc: Edward F. LeBreton, III; Philip Powell
Subject: SBA Shipyard, Inc. - CERCLIS# LAD008434185
Attachments: Response to Information Request Dated 5_15_15.DOC; Order on SBA IM-RA 12 Dec 02.PDF; Letter 15 Sep 05.PDF

Attached is the response of Higman Services Corporation to the EPA's May 15, 2015, Request for Information concerning SBA Shipyard.

Higman did participate in SSIC, which provided support for the IM/RA in 2005, but has no knowledge of recent events at the shipyard. Accordingly, Higman requests copies of the June 3, 2013 report of EPA Preliminary Assessment and any report Coast Guard inspection October 23 and 25, 2013, which are cited in the Background Information section of the Request for Information.

Thank you
10 June 2015
Edward F. LeBreton, III
Fowler, Rodriguez
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September 15, 2005

VIA TELECOPIER

Mr. Gene Keepper, CHMM, P.G.
RCRA Project Manager
U.S. Environmental Protection Agency
Region 6 (6EN-HX)
1445 Ross Avenue, Suite 1200
Dallas, TX 75202-2733

RE: Notification as Co-Generator and Request Response Investigation
and Remediation Activities at SBA Shipyards, Inc.;
9040 Castex Landing, Jennings, Jefferson Davis Parish,
Louisiana; EPA I.D. No. LAD008434185
Our File No. 4094-009

Dear Mr. Keepper:

On behalf of Higman Barge Lines, Inc., we write in response to your letter of July 7, 2005. We acknowledge and thank you for your e-mail of August 17, 2005, agreeing to an extension of time to discuss Higman's situation until September 15, 2005. Also, due to Hurricane Katrina, we have had to evacuate our home office in New Orleans, and, as noted below, are in temporary offices in Houston. This delayed our response, and, accordingly, we request a further extension of time until October 15, 2005.

In this letter, we set forth Higman's position, and, after you have had an opportunity to review it, we look forward to speaking with you about it.

Fowler, Rodriguez, Kingsmill, Flint, Gray & Chalos, L.L.P.

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HIGMAN DID NOT TRANSPORT HAZARDOUS MATERIALS

At the time of the alleged barge cleanings at SBA in 1988-1995, Higman carried exclusively crude oil. Enclosed is a copy of the summary presented by SBA with respect to the cleanings on which SBA based its allegation that Higman would be a responsible party. Even this summary, which Higman does not necessarily accept as entirely accurate, shows that the materials allegedly removed from Higman's barges were, in all cases, crude oil, direct from oil wells without any refining. Please let the us know if you need further documentation to confirm this fact, and Higman will provide it.

Pursuant to 42 U.S.C. §9601(14), crude oil is not a hazardous material within the meaning of the statutes. Accordingly, Higman was not a transporter of materials within the meaning of statutes and is not a party responsible for costs of remediation.

This is not a new assertion. Higman barges carrying substantially the same cargoes were cleaned at Palmer Barge in Port Arthur, Texas, another remediation site. On receipt of a notice that it was designated as a potentially responsible party, Higman furnished to the EPA the enclosed letters of October 15, 2001, and November 12, 2001, showing that its barges carried the crude oil. In response, Higman received the enclosed letter of July 25, 2002, from Myron O. Knudson, P.E., Director, Superfund Division, Region 6, EPA, stating that Higman would no longer be considered a responsible party. The decision that Higman was not a responsible party with respect to the Palmer Barge site applies equally to the SBA site.

HIGMAN BENEFICIARY OF ORDER AND AGREEMENT FOR INTERIM MEASURE/REMOVAL ACTION

Alternatively, Higman is a beneficiary of the agreement between the EPA and SSIC Remediation, L.L.C. ("SSIC").

As your letter notes, in November of 2002, SSIC entered into an *Order and Agreement* with SBA Shipyards, Inc. ("SBA") and the U.S. Environmental Protection Agency, Region 6 "EPA"). The *Order and Agreement* states in paragraphs V and VI that the terms of the *Order and Agreement* extend to SSIC and its members. In 2003, in response to request from you, counsel for SSIC forwarded an alphabetical list of members, which includes Higman. Accordingly, Higman was a member of SSIC, and the terms of the *Order and Agreement* extend individually to Higman.

Although Higman denied that it is a responsible party, in an effort to be cooperative Higman made a substantial contribution to SSIC. The Scope of Work incorporated into the *Order and Agreement* now has been completed. Accordingly, the members of SSIC, *including Higman*, are entitled to protection from contribution and oversight costs as provided in the *Order and Agreement*. Higman disagreed with SSIC regarding its proper contribution. If any claim arises from this disagreement, it is in favor of Higman against SSIC to recover excess contribution or, theoretically, in favor of SSIC against Higman to recover additional contribution. This disagreement has no effect on the fact that the Scope of Work incorporated into the *Order and Agreement* has been completed, and the members of SSIC, *including Higman*, are entitled to the benefits provided by the *Order and Agreement*. Accordingly, Higman is not liable for costs of any further investigation and potential remediation as discussed in your letter of July 7, 2005.

CONCLUSION

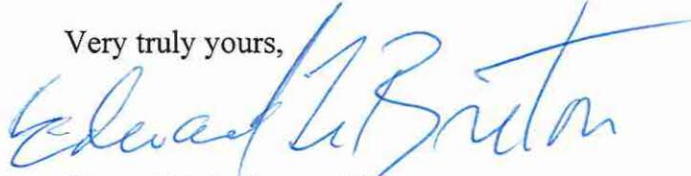
Higman is not a responsible party with respect to the North Operable Unit or the Groundwater Operable Unit because any material removed from Higman's barges was crude oil outside the scope of the statutes and because it is a beneficiary of the *Order and Agreement*.

September 15, 2005

Page 4

Contribution with respect to the North Operable Unit or the Groundwater Operable Unit should be from other barge owners which have made no contribution of any kind to remediation at the SBA site and which carried other products. After you have had an opportunity to review this letter, I would appreciate the opportunity of dismissing it with you.

Very truly yours,



Edward F. LeBreton, III

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EFL/sbm
Enclosures

SBA SHIPYARDS, INC. PROBABLE SOURCES OF CONTAMINANTS CURRENTLY PRESENT IN TANKS AND PITS					
COMPANY	DATE(S)*	VESSEL NUMBER	PREVIOUS 3 CARGOES	WORK ORDER NO.	ADDITIONAL INFO.
Higman Towing Company	10/2/88	HTCO-S-2013	crude oil	1092	25,000 bbl barge; bottoms contained crude oil
	12/3/88	HTCO-2026	crude oil	1102	25,000 bbl barge; bottoms contained crude oil
	6/5/89	HTCO-2027	crude oil	1125	25,000 bbl barge; contained crude oil bottoms
	9/1/89	HTCO-2028	crude oil	1132	25,000 bbl barge; contained crude oil bottoms
	11/5/89	HTCO-S-2512	crude oil	1139	25,000 bbl barge; contained crude oil bottoms
	3/2/90	HTCO-S-2020	crude oil	1156	25,000 bbl barge; contained crude oil bottoms
	3/3/91	HTCO-DXE-2302	crude oil	1202	25,000 bbl barge; contained crude oil bottoms
	4/8/91	HTCO-1802	Crude Oil (3x)	1206	Arrived Pre-Cleaned
	12/16/92	HTCO-2021	Crude Oil	1263	10 cargo tanks approx. 86 bbl heavy product and paraffin wax
	6/24/93	HTCO-2024	Crude Oil (3x)	1282	10 cargo tanks approx. 86 bbl heavy product and paraffin wax
	1/11/94	HTCO-2514	No. 6 Oil	1301	Approx. 90 bbls of B.S. & W. crude oil bottoms removed
	4/28/94	HTCO-2513	Crude Oil (3x)	1308	6-oil mix with sand to oil pit

SBA SHIPYARDS, INC. PROBABLE SOURCES OF CONTAMINANTS CURRENTLY PRESENT IN TANKS AND PITS					
COMPANY	DATE(S)*	VESSEL NUMBER	PREVIOUS 3 CARGOES	WORK ORDER NO.	ADDITIONAL INFO.
Higman Towing Company	7/6/94	HTCO-3001	Kerosene, Crude Oil, Crude Oil	1322	Crude oil bottoms removed
	7/6/95	HTCO-S-2014	crude oil	1362	Crude oil bottoms removed
	12/1/95	HTCO-S-2011	crude oil	1374	Crude oil bottoms removed
	3/1/95	HTCO-3001	Crude Oil (x3)	1346	crude oil and B.S. & W. removed

TOTAL BARGES CLEANED FOR THIS CUSTOMER = 15

* - Based on data from Marine Chemist's Gas Free Certificate

STEVENS, BALDO & FREEMAN

A REGISTERED LIMITED LIABILITY PARTNERSHIP

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October 15, 2001

Via Facsimile Transmission and U.S. MailMr. Joseph Compton
United States Environmental Protection Agency, Region 6
Superfund Division (6SF-DL)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

FAX NO. (214) 665-6660

Re: United States Environmental Protection Agency; Palmer Barge Line
Superfund Site

Dear Mr. Compton:

My client, Higman Barge Line, Inc. has received and responded to information requests from the EPA surrounding the above captioned matter. For your information, Higman Barge Line, Inc. is a transportation company that engages in moving petroleum products, primarily crude oil, via barge and towboat throughout the inland waterway system of the United States.

From our research, it appears that Higman Barge Line, Inc. vessels were in the Palmer facility for repairs and maintenance on twenty-one separate occasions spanning from approximately March 1993 to August 1995. See Attachment "A" to Higman Barge Line Inc.'s Responses to Generator Questions. Many of these visits to the Palmer facility involved absolutely no cleaning, stripping, or other work that would involve the removal or handling any of the oil aboard the boats and barges. The following is a brief summary of those transactions:

Date	Barge/Vessel	Description of Activity
3/14/93	HTCO 2302	Barge was steamed to heat cargo for discharge. Steaming a barge entails routing steam through coils in barge to heat the cargo to a specific temperature. These coils are segregated from the cargo.
3/14/93	HTCO 2301	Barge was steamed to heat cargo for discharge. Steaming a barge entails routing steam through coils in barge to heat the cargo to a specific temperature. These coils are segregated from the cargo.
3/26/93	GDM 264	Barge was steamed to heat cargo for discharge. Steaming a barge entails routing steam through coils in barge to heat the cargo to a specific temperature. These coils are segregated from the cargo.

Joseph Compton
October 15, 2001
Page 2

3/26/93	S 2512	Barge was steamed to heat cargo for discharge. Steaming a barge entails routing steam through coils in barge to heat the cargo to a specific temperature. These coils are segregated from the cargo.
12/27/93	HTCO 3006	Barge steam coils were tested and above deck repairs made to No. 3 tank coil deck drop.
12/27/93	HTCO 3007	Barge steam coils were tested.
7/25/96	M/V MARIANNE	A steering arm was welded/repared.
7/25/96	S 2018	A check valve was replaced.

Of the remaining thirteen transactions, twelve involve stripping and cleaning of residual crude oil and No. 6 oil that remained on these barges after the cargo was discharged. While the exact amount of oil is unknown, it would have been slight because these barges typically discharge greater than 99.5% of their cargo. The final transaction involves the M/V JOE M. POWELL, a towboat owned and operated by Higman Barge Line, Inc. On December 1, 1993, the bilge of this vessel was pressure washed and stripped by Palmer. For your information, the bilge is the lowest part of a hull of a vessel where water collects. The exact materials in the bilge are not known; however, it is estimated that the bilge contained at least 95% water and less than 5% motor oil and No. 4 diesel oil. All of these materials would have been in a liquid state.

Clearly, the materials, if any, brought into the Palmer facility by Higman Barge Line, Inc. are not hazardous substances as they fall within the petroleum exclusion of 42 USC §9601(14). Given these circumstances, is the EPA willing to dismiss or release Higman Barge Line, Inc. from this action? I would appreciate a response in the coming days so that my client can be spared the time and expense of attending the PRP meeting your office is currently scheduling.

With kindest regards, I remain.

Very Truly Yours,



David James

cc: John McMahan
Higman Marine Services, Inc.
1980 Post Oak Boulevard, Suite 1101
Houston, Texas 77056

FAX NO. (713) 552-0732

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November 12, 2001

Joseph Compton
United States Environmental Protection Agency, Region 6
Superfund Division (6SF-DL)
1445 Ross Avenue, Suite 1200
Dallas, Texas 75202-2733

Re: United States Environmental Protection Agency; Palmer Barge Line Superfund Site

Dear Mr. Compton:

Enclosed you will find two affidavits that were executed by Higman Barge Line, Inc. employees in response to your request. The first affidavit was executed by Mr. John T. McMahan, Secretary for Higman Barge Line, Inc. The affidavit describes the transactions Higman Barge Line, Inc. had with the Palmer Barge Line Terminal and the cargoes aboard Higman vessels when they entered that facility. The second affidavit was executed by Mr. Randy Laughlin, Maintenance Superintendent for Higman Barge Line, Inc. During the times relevant to this action, Mr. Laughlin was responsible for overseeing the day to day maintenance that was performed by various contractors for Higman Barge Line, Inc., including work done by Palmer.

These affidavits and the materials submitted in response to the EPA's Information Request reveal that Higman Barge Line, Inc. placed Crude Oil and No. 6 Oil into the Palmer Barge Line Facility on twelve separate occasions. The remaining transaction involved small volume mixture of water, motor oil, and diesel taken from the bilge of a towboat owned by Higman Barge Line, Inc. Since these transactions clearly fall within the petroleum exclusion of 46 U.S.C. § 9601(14), Higman requests to be released from this action. I would appreciate a response in the coming days so that my client is spared the expense of traveling to Dallas on November 15 for the Potentially Responsible Party meeting.

Very truly yours,



David James

DJ/tfv
Enclosures

THE STATE OF TEXAS

COUNTY OF HARRIS

§
§
§
§KNOW ALL MEN BY THESE
PRESENTS**AFFIDAVIT OF JOHN T. MCMAHAN**

BEFORE ME, the undersigned notary public, on this day personally appeared JOHN T. MCMAHAN, who, being first duly sworn by me according to law, on his oath, deposed and stated the following:

"My name is John T. McMahan, and I am above the age of eighteen (18) years and have never been convicted of a felony or crime involving moral turpitude. I am the Secretary of Higman Barge Lines, Inc. I am fully competent to make this affidavit. I have personal knowledge of the facts stated herein and they are all true and correct. I have been Secretary of Higman Barge Lines, Inc. since December 1986.

As Secretary of Higman Barge Lines, Inc., I am responsible for the records of the corporation. The records of Higman Barge Line show the following:

1. On March 14, 1993, the tank barge HTCO 2302 was taken to the Palmer Barge Facility in Port Arthur, Texas to be steamed. The barge was loaded with VGO.
2. On March 14, 1993, the tank barge HTCO 2301 was taken to the Palmer Barge Facility in Port Arthur, Texas to be steamed. The barge was loaded with VGO.
3. On March 26, 1993, the tank barge GDM 264 was taken to the Palmer Barge Facility in Port Arthur, Texas to be steamed. The barge was loaded with No. 6 Fuel Oil.
4. On March 26, 1993, the tank barge S 2512 was taken to the Palmer Barge Facility in Port Arthur, Texas to be steamed. The barge was loaded with No. 6 Fuel Oil.
5. On October 7, 1993, the tank barge S 2022 was taken to the Palmer Barge Facility in Port Arthur, Texas. The barge was empty at the time with its previous cargo being Crude Oil.
6. On October 23, 1993, the tank barge HTCO 2517 was taken to the Palmer Barge Facility in Port Arthur, Texas. The barge was empty at the time with its previous cargo being Crude Oil.

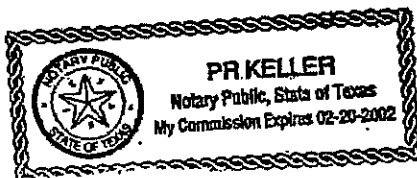
7. On November 30, 1993, the tank barge S 2018 was taken to the Palmer Barge Facility in Port Arthur, Texas. The barge was empty at the time with its previous cargo being Crude Oil.
8. On December 1, 1993, the M/V JOE M. POWELL was taken to the Palmer Barge Facility in Port Arthur, Texas.
9. On December 27, 1993, the tank barge HTCO 3006 was taken to the Palmer Barge Facility in Port Arthur, Texas. The barge was empty at the time with its previous cargo being Crude Oil.
10. On December 27, 1993, the tank barge HTCO 3007 was taken to the Palmer Barge Facility in Port Arthur, Texas. The barge was empty at the time with its previous cargo being Crude Oil.
11. On February 14, 1994, the tank barge HTCO 2201 was taken to the Palmer Barge Facility in Port Arthur, Texas. The barge was empty at the time with its previous cargo being Crude Oil.
12. On March 1, 1994, the tank barge HTCO 2010 was taken to the Palmer Barge Facility in Port Arthur, Texas. The barge was empty at the time with its previous cargo being Crude Oil.
13. On March 6, 1994, the tank barge HTCO 2302 was taken to the Palmer Barge Facility in Port Arthur, Texas. The barge was empty at the time with its previous cargo being No. 6 Fuel Oil.
14. On March 25, 1994, the tank barge S 2018 was taken to the Palmer Barge Facility in Port Arthur, Texas. The barge was empty at the time.
15. On March 25, 1994, the tank barge S 2017 was taken to the Palmer Barge Facility in Port Arthur, Texas. The barge was empty at the time.
16. On March 6, 1994, the tank barge HTCO 2516 was taken to the Palmer Barge Facility in Port Arthur, Texas. The barge was empty at the time with its previous cargo being Crude Oil.
17. On May 5, 1994, the tank barge HTCO 3007 was taken to the Palmer Barge Facility in Port Arthur, Texas. The barge was empty at the time with its previous cargo being Crude Oil.
18. On July 15, 1996, the M/V MARRIANNE was taken to the Palmer Barge Facility in Port Arthur, Texas to have a steering arm welded.

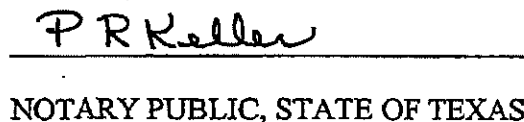
19. On July 25, 1996, the tank barge S 2018 was taken to the Palmer Barge Facility in Port Arthur, Texas. The barge was empty with its previous cargo being crude oil.
20. On August 3, 1995, the tank barge HTCO 2201 was taken to the Palmer Barge Facility in Port Arthur, Texas. The barge was empty at the time with its previous cargo being Crude Oil.

Further, the affiant saith not."


JOHN T. MCMAHAN

SUBSCRIBED AND SWORN to by the said JOHN T. MCMAHAN on this the 31st day
of OCTOBER, 2001, to certify which witness my hand and official seal.




NOTARY PUBLIC, STATE OF TEXAS

STATE OF TEXAS

COUNTY OF HARRIS

§
§
§
§KNOW ALL MEN BY THESE
PRESENTSAFFIDAVIT OF RANDY LAUGHLIN

BEFORE ME, the undersigned notary public, on this day personally appeared RANDY LAUGHLIN, who, being first duly sworn by me according to law, on his oath, deposed and stated the following:

"My name is Randy Laughlin, and I am above the age of eighteen (18) years and have never been convicted of a felony or crime involving moral turpitude. I am a Maintenance Superintendent with Higman Barge Lines, Inc. I am fully competent to make this affidavit. I have personal knowledge of the facts stated herein and they are all true and correct. I have been employed with Higman Barge Lines, Inc. since January 1, 1982.

In my capacity as a Maintenance Superintendent with Higman Barge Lines, Inc., I liased with representatives of the Palmer Barge Terminal concerning work being done for my employer.

At all times relevant hereto, the Palmer Barge Terminal engaged in a recycling operation where crude oil and petroleum taken from Higman Barge Lines, Inc. tank barges were placed into storage tanks to be resold.

On several occasions, I spoke with representatives of the Palmer Barge Terminal regarding their disposal and recycling methodology. Representatives of the Palmer Barge Terminal informed me that all materials not recycled were properly disposed of at offsite disposal facilities.

To my knowledge, all materials taken from Higman Barge Lines, Inc. tank barges were either recycled or properly disposed of at offsite disposal facilities. I have no knowledge of materials being disposed of at the Palmer Barge Terminal Site.

I periodically supervised the following jobs on barges owned and/or operated by my employer:

1. On December 1, 1993, I visited the Palmer Facility when the No. 1 Starboard cargo tank of the tank barge S 2018 was stripped, mucked, butterworthed, washed, and dried by Palmer. I supervised the work being performed by Palmer Barge Terminal for my employer, including the removal of materials from the S 2018. I witnessed crude oil being stripped from this barge and being placed in storage for recycling. I witnessed Palmer Barge Terminal Personnel placing the remaining materials from this barge in fifty-five gallon drums for offsite disposal.

2. On February 14, 1994, I visited the Palmer Facility when the No. 6 Port and Starboard cargo tanks of the tank barge HTCO 2201 were stripped, butterworthed, washed, and dried. I supervised the work being performed by Palmer Barge Terminal for my employer, including the removal of No. 6 Oil from the HTCO 2201. I witnessed No. 6 Oil being stripped from this barge and being placed in storage for recycling.
3. On March 1, 1994, I visited the Palmer Facility when the No. 2 Port cargo tank of the tank barge GDM 264 was stripped, mucked, butterworthed, washed, and dried by Palmer. I supervised the work being performed by Palmer Barge Terminal for my employer, including the removal of materials from the GDM 264. I witnessed crude oil being stripped from this barge and being placed in storage for recycling. I witnessed Palmer Barge Terminal Personnel placing the remaining materials from this barge in fifty-five gallon drums for offsite disposal.
4. On March 1, 1994, I visited the Palmer Facility when the No. 1 Starboard cargo tank and No. 2 Port cargo tank and pipeline of the tank barge HTCO 2010 were stripped by Palmer. I supervised the work being performed by Palmer Barge Terminal for my employer, including the removal of Crude Oil from the HTCO 2010. I witnessed Crude Oil being stripped from this barge and being placed in storage for recycling.
5. On March 4, 1994, I visited the Palmer Facility when the No. 1 Starboard cargo tank of the tank barge HTCO 2302 was stripped, butterworthed, mucked, washed, and dried by Palmer. I supervised the work being performed by Palmer Barge Terminal for my employer, including the removal of No. 6 Oil from the HTCO 2302. I witnessed No. 6 Oil being stripped from this barge and being placed in storage for recycling. I witnessed Palmer Barge Terminal Personnel placing the remaining materials from this barge in fifty-five gallon drums for offsite disposal.
6. On May 13, 1994, I visited the Palmer Facility when the No. 1 Starboard cargo tank of the tank barge HTCO 3007 was stripped, butterworthed, mucked, washed, and dried by Palmer. I supervised the work being performed by Palmer Barge Terminal for my employer, including the removal of Crude Oil from the HTCO 2302. I witnessed Crude Oil being stripped from this barge and being placed in storage for recycling. I witnessed Palmer Barge Terminal Personnel placing the remaining materials from this barge in fifty-five gallon drums for offsite disposal.
7. On August 3, 1995, I visited the Palmer Facility when the No. 3 and No. 4 cargo tanks of the tank barge HTCO 2201 were stripped and washed by Palmer. I supervised the work being performed by Palmer Barge Terminal for my employer, including the removal of Crude Oil from the HTCO 2201. I witnessed Crude Oil being stripped from this barge and being placed in storage for recycling.

I am familiar with the work that was performed on the following vessels owned and/or operated by Higman Barge Lines, Inc.:

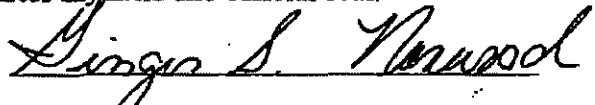
1. On March 14, 1993, the tank barge HTCO 2302 was taken to the Palmer Barge Facility in Port Arthur, Texas to be steamed. The barge was loaded with VGO. Steaming of this barge would not result in cargo being removed from the barge into the Palmer facility.
2. On March 14, 1993, the tank barge HTCO 2301 was taken to the Palmer Barge Facility in Port Arthur, Texas to be steamed. The barge was loaded with VGO. Steaming of this barge would not result in cargo being removed from the barge into the Palmer facility.
3. On March 26, 1993, the tank barge GDM 264 was taken to the Palmer Barge Facility in Port Arthur, Texas to be steamed. The barge was loaded with No. 6 Fuel Oil. Steaming of this barge would not result in cargo being removed from the barge into the Palmer facility.
4. On March 26, 1993, the tank barge S 2512 was taken to the Palmer Barge Facility in Port Arthur, Texas to be steamed. The barge was loaded with No. 6 Fuel Oil. Steaming of this barge would not result in cargo being removed from the barge into the Palmer facility.
5. On October 7, 1993, the tank barge S 2022 was taken to the Palmer Barge Facility in Port Arthur, Texas to have the No. 2 Starboard cargo tank stripped, butterworthed, washed, and dried. The barge was empty at the time with its previous cargo being Crude Oil. This operation would only result in Crude Oil being removed from the barge.
6. On October 23, 1993, the tank barge HTCO 2517 was taken to the Palmer Barge Facility in Port Arthur, Texas to have the No. 2 Starboard cargo tank stripped, butterworthed, washed, and dried. This operation would only result in Crude Oil being removed from the barge.
7. On December 1, 1993, the M/V JOE M. POWELL was taken to the Palmer Barge Facility in Port Arthur, Texas to have the bilges on the boat pressure washed and stripped. The bilge contained approximately 95% water with less than 5% being motor oil and diesel oil.
8. On December 27, 1993, the tank barge HTCO 3006 was taken to the Palmer Barge Facility in Port Arthur, Texas to have the steam coils tested for leaks and flushed. The barge was empty at the time with its previous cargo being Crude Oil. No cargo was removed from the barge into the Palmer facility. Testing and flushing of the steam coils on this barge would not result in cargo being removed from the barge into the Palmer facility.

9. On December 27, 1993, the tank barge HTCO 3007 was taken to the Palmer Barge Facility in Port Arthur, Texas to have the steam coils tested for leaks and flushed. The barge was empty at the time with its previous cargo being Crude Oil. No cargo was removed from the barge into the Palmer facility. Testing and flushing of the steam coils on this barge would not result in cargo being removed from the barge into the Palmer facility.
10. On March 25, 1994, the tank barge S 2017 was taken to the Palmer Barge Facility in Port Arthur, Texas to have the pipeline and cargo pump well stripped. The barge was empty at the time. This operation would only result in Crude Oil being removed from the barge.
11. On July 15, 1996, the M/V MARRIANNE was taken to the Palmer Barge Facility in Port Arthur, Texas to have a steering arm welded. This repair would not result in cargo being removed from the barge into the Palmer facility.
12. On July 25, 1996, the tank barge S 2018 was taken to the Palmer Barge Facility in Port Arthur, Texas to have a check valve repaired and replaced. This repair would not result in cargo being removed from the barge into the Palmer facility.
13. On August 3, 1995, the tank barge HTCO 2201 was taken to the Palmer Barge Facility in Port Arthur, Texas to have the No. 3 and No. 4 cargo tanks stripped and washed. The barge was empty at the time with its previous cargo being Crude Oil. This operation would only result in Crude Oil being removed from the barge.

Further, the affiant saith not."


RANDY LAUGHLIN

SUBSCRIBED AND SWORN to by the said RANDY LAUGHLIN on this the 8th day
of November, 2001, to certify which witness my hand and official seal.


NOTARY PUBLIC, STATE OF TEXAS



JUL-30-2002 TUE 02:03 PM STEVEN BALDO FREEMAN

FAX NO. 33 10 9 1408862148

P. 04/04



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

JUL 25 2002

VIA CERTIFIED MAIL RETURN RECEIPT REQUESTED

Higman Barge Line, Inc.
c/o Mr. David James
Stevens, Baldo & Freeman
550 Fannin, Suite 400
Beaumont, TX 77701

Re: Palmer Barge Line Superfund Site

Dear Sir or Madam:

On August 18, 2000, the U.S. Environmental Protection Agency ("EPA") sent your company a Notice Letter ("NL") for the removal action conducted at the Palmer Barge Line Superfund Site ("Site") located in Port Arthur, Jefferson County, Texas. In addition, on September 10, 2001, EPA sent your company a Special Notice Letter for the Remedial Investigation/Feasibility Study at the Site. Based on its subsequent investigation, EPA has determined that it does not consider your company to be a Potentially Responsible Party ("PRP") for the site.

This determination is based on the information currently available to EPA. If EPA develops additional evidence which indicates that your company is a PRP, it will notify you and provide you with additional information regarding your possible involvement in the activities at the site. We apologize for any inconvenience this may have caused.

If you have questions regarding this matter, please do not hesitate to contact EPA Enforcement Officer, Mr. Kenneth Talton, at (214) 665-7475. You or your attorney may also contact EPA Assistant Regional Counsel, Mr. Joseph Compton, at (214) 665-8506. Thank you for your attention to this matter.

Sincerely yours,

Samela Phillips, Acting

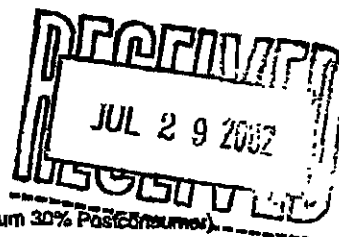
Myron O. Knudson, P.E.

Director

Superfund Division

cc: Texas Natural Resource
Conservation Commission

Mr. Carl B. Everett, Attorney (I. E. Dupont)
RI/FS Steering Committee, Lead



September 15, 2005

Page 5

bcc: Higman Barge Lines
1980 Post Oak Boulevard
Suite 1101
Houston, TX 77056
Attn: Mr. George Thomas
Mr. John McMahan
Mr. Kyle Shaw

*** TX REPORT ***

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Fowler, Rodriguez, Chalos, Flint, Gray,
McCoy, O'Connor, Sullivan & Carroll, L.L.P.

TELECOPIER MESSAGE

4 Houston Center, Suite 1560 - 1331 Lamar Street
Houston, Texas 77010

Telephone: 713-654-1560
Telecopier: 713-654-7930

E-Mail: lebreton@frc-law.com

Cell Phone: 832-771-0645

September 15, 2005

To: Higman Barge Lines
Attn: Mr. George Thomas
Mr. John McMahan
Mr. Kyle Shaw
1-713-552-0732

From: Edward F. LeBreton, III

RE: Higman Barge Lines, Inc.
SSIC Remediation, LLC
Our File No. 4094-009

Total Pages (including this page): 19

SBA SHIPYARD SUPERFUND SITE
JENNINGS, JEFFERSON DAVIS PARISH, LOUISIANA
CERCLIS#: LAD008434185; INFORMATION REQUEST PURSUANT TO
CERCLA SECTION 104(e) U.S.C. §9604(e)

Higman Service Corporation responds to the May 15, 2015, information request from the United States Environmental Protection Agency as follows:

Higman Barge Lines, Inc., predecessor of Higman Service Corporation, responded regarding the alleged disposal of waste at the SBA Shipyard Superfund Site (SBA Site) a number of years ago. Higman Barges Lines, Inc. was a member of SSIC Remediation, LLC, which was formed by certain barge owners voluntarily to assist in the Interim Measures/Removal Action at the SBA site. Enclosed is correspondence dated December 12, 2002, with the attached December 9, 2002 Order and Agreement regarding the Interim Measures/Removal Action at the SBA site. The scope of work was completed entitling the members of SSIC, including Higman Barge Lines, Inc., to the protections provided in the Order and Agreement of December 9, 2002.

Further enclosed is a copy of a letter of September 15, 2005, to Mr. Gene Keepper of the Environmental Protection Agency responding to the July 7, 2005, Notification as Co-generator and Request Response for Investigation and Remediation Activities. The letter states that Higman was and is not liable as a responsible party because of the crude oil exclusion, 42 U.S.C. §9601(14), and because Higman is a beneficiary of the Order and Agreement for Interim Measures/Removal action.

With respect to the particular questions in the May 15, 2015, Response to Information Request, Higman responds:

GENERAL INFORMATION CONCERNING RESPONDENT

1. Provide the full legal name and mailing address of the respondent.

Higman Service Corporation as Successor to Higman Barge Lines, Inc.
1980 Post Oak Boulevard
Suite 1101
Houston, Texas 77056
(713) 552-1101

2. Identify and provide the full name, title, business address, and business telephone number for each person answering these questions on behalf of the Respondent, and each person(s) that was relied on or consulted within the preparation of the answer.

Kyle Shaw
Higman Service Corporation as Successor to Higman Barge Lines, Inc.
1980 Post Oak Boulevard
Suite 1101

Houston, Texas 77056
(713) 552-1101

Edward F. LeBreton, III
Fowler Rodriguez
400 Poydras Street, 30th Floor
New Orleans, Louisiana 70130
(504) 523-2600

3. If Respondent wishes to designate an individual for all future correspondence concerning this Site, including legal notices, please provide the individual's name, address, and telephone number.

Higman Service Corporation designates the following individual for all future correspondence concerning this Site:

Edward F. LeBreton, III
Fowler Rodriguez
400 Poydras Street, 30th Floor
New Orleans, Louisiana 70130
(504) 523-2600
lebreton@frfirm.com

4. If Respondent is a business, please give a brief description of the nature of the business.

Higman Barge Lines, Inc., predecessor of Higman Service Corporation, operated tank barges and tugs on inland waterways.

REQUESTS FOR DOCUMENTS

1. Please identify any dealings or transactions you have or had with SBA Shipyards, Inc., Louis Smailhall, Suzanne Smailhall, LEEVAC Shipyards, Inc., n/k/a Bunge Street Properties, LLC, and LEEVAC Industries, LLC n/k/s LEEVAC Shipyards Jennings, LLC. Please provide a brief description of the nature of those dealings or transactions and the timeframes during which those dealings and transactions occurred.
 - a. Specifically, provide dates of when you sent or moved something to the Site and the name and contact information of the person who made such arrangements.

Higman Barge Lines, Inc., predecessor to Higman Service Corporation, brought certain barges to SBA Shipyards, Inc. that had carried crude oil and were to be cleaned. Higman Service Corporation itself has no records of these barges. Attached to the enclosed letter of September 15, 2005, is a two page spreadsheet prepared on behalf of SBA Shipyards that purported to list Higman barges that were cleaned at the yard. The basis of the list purportedly was records of marine chemists who examined the barges following cleaning.

Higman understands, but does not know of its own knowledge, that LEEVAC Shipyards, Inc. leased land adjacent to SBA Shipyards, Inc. for its own shipyard operations. Higman Barge Lines, Inc. brought no barges to LEEVAC Shipyards, Inc. for the purpose of being cleaned or the removal of waste.

2. Please provide any and all documents in your possession that are related to the dealings and transactions detailed in Question 1 above.

See answer to request No. 1.

3. If any of the dealings or transactions described involve hazardous materials, please include a detailed listing of such materials, the materials data safety sheet, dates of transaction, and any quantity associated with those materials.

The dealings of Higman Barge Lines, Inc., predecessor the Higman Service Corporation, with SBA Shipyard, Inc. involved only crude oil, which is not defined as a hazardous material.

4. Please describe in detail any involvement you had with the 2002 RCRA Interim Measures/Removal Action (IM/RA), including, but not limited to, a listing of the parties involved in the IM/RA.

Higman Barge Lines, Inc., predecessor to Higman Service Corporation, was a member of SSIC, which assisted in the Interim Measures/Removal Action at the SBA site. Higman Barge Lines, Inc. was not the manager of SSIC and refers questions regarding SSIC and the 2002 RCRA Interim Measures/Removal Action to SSIC and its former managers.

5. Please provide the names, title, and contract information of anyone, including, but not limited to, employees, who may possess knowledge and information regarding this Site and/or your own business operations.

Higman Service Corporation, successor to Higman Barge Lines, Inc., has no knowledge of its own regarding the SBA site or the prior cleanup activities there.

6. Identify all of the individuals who currently have and those who have had responsibility for the Respondent's environmental matters (e.g., responsibility for the disposal, treatment, storage, recycling, or sale of the Respondent's wastes). This information shall include, but not be limited to, the following:
 - a. Each individual's job title and duties (including the dates performing those duties),
 - b. The supervisors for such duties,
 - c. The current position or the date of the individual's resignation, and

- d. The nature of the information possessed by such individuals concerning the Respondent's waste management.
- e. The contact information of the individual.

Higman Barge Lines, Inc. did not dispose, treat, store, recycle or sell waste and did not have an individual in charge of environmental matters. Cleaning of barges owned by Higman Barge Lines, Inc. was overseen by Preston Shufford, c/o Higman Barge Service, 1980 Post Oak Boulevard, Suite 1101, Houston, Texas 77056. When it was active, Higman Barge Lines, Inc. contracted with barge cleaning facilities to dispose of any materials that may be generated in the barge cleaning.

7. Does the Respondent's company or business have a permit(s) issued under RCRA? If so, provide a copy(ies) of the permit(s).

None.

8. Provide all Resource Conservation and Recovery Act (RCRA) Identification Numbers issued to Respondent by EPA or a state for Respondent's operations.

None.

9. Does the Respondent's company or business have, or has it ever had, a permit(s) under the hazardous waste laws of the State? If so, provide a copy(ies) of the permit(s).

None.

10. Does the Respondent's company or business have an EPA Identification Number, or an identification number supplied by the State? If so, supply any such identification number(s).

None.

11. Identify all federal, state, and local offices and agencies to which the Respondent has sent or filed hazardous substance or hazardous waste information and state the years during which such information was sent or filed.

None.

12. Provide copies of all documents created or kept by the Respondent related to the nature, quantity, or source of the materials taken to the Site.

None.

13. If barges were placed or disposed at the Site, provide the following information:

- a. Where they were placed or disposed, and
- b. Their condition when placed or disposed.

Higman Service Corporation, successor to Higman Barge Lines, Inc. does not have this information.

14. Identify other individuals and entities that the Respondent has reason to believe may have taken or sent materials to the Site. Of these individuals and entities, specify which were observed by the Respondent at the Site and indicate when those observations were made. Provide all of the information known by the Respondent regarding the customers of these entities or individuals.

See response to request No. 4 above.

June 10, 2015

Higman Service Corporation as Successor to
Higman Barge Lines, Inc.

By: Edward F. LeBreton, III
Fowler Rodriguez
400 Poydras Street, 30th Floor
New Orleans, Louisiana 70130
(504) 523-2600
lebreton@frfirm.com



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

December 12, 2002

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7000 0520 0022 2560 7567

Mr. Louis Smaihall
Owner/President
SBA Shipyards, Inc.
P.O. Box 1386
Jennings, LA 70546

Re: Transmittal of Executed and Filed Order and Agreement ("Agreement") for Interim Measures/Removal Action ("IM/RA") of Hazardous/Principal Threat Wastes at SBA Shipyards, Inc., Jennings, LA, EPA ID No. LAD008434185 ("SBA") pursuant to Section 3008(h) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(h). Docket No. RCRA-6-2002-0908.

Dear Mr. Smaihall:

I am transmitting a copy of the Agreement dated December 9, 2002, for your records. At this time I am also requesting summary information which you have developed relating to the customers of SBA. This would include but not be limited to the circa 1996 letter from your counsel of the time to SBA customers in which SBA requests funding support for remedial activities at the SBA facility from approximately twenty-two (22) current and former customers.

Should you have any further questions, please feel free to contact me at (214) 665-2280 or by any other means noted in the Agreement.

Sincerely yours,

A handwritten signature in black ink that reads "Gene Keepper".

Gene Keepper, CHMM
RCRA Project Manager
Technical Section (6EN-HX)

Enclosures

cc: Michael A. Chernekoff, Esq.
Michael Pisani, MP&A
Lourdes Iturralde, LDEQ
Keith Horn, LDEQ-RSD



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

December 12, 2002

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7000 0520 0022 2560 7550

SSIC Remediation, L.L.C.
c/o Atty. Michael A. Chernekoff
Jones Walker
201 St. Charles Avenue, 50th Floor
New Orleans, LA 70170-5100

Re: **Transmittal of Executed and Filed Order and Agreement ("Agreement") for Interim Measures/Removal Action ("IM/RA") of Hazardous/Principal Threat Wastes at SBA Shipyards, Inc., Jennings, LA, EPA ID No. LAD008434185 ("SBA") pursuant to Section 3008(h) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(h).** Docket No. RCRA-6-2002-0908.

Dear Mr. Chernekoff:

I am transmitting a copy of the Agreement dated December 9, 2002, for your records and the records of SSIC Remediation. As we have previously discussed, I will await a written response from your office which includes: a member listing of the Limited Liability Corporation SSIC Remediation, which includes designation of corporate representation by those members; the articles of incorporation for SSIC Remediation, L.L.C.; and the full listing of SBA Shipyards, Inc. customers, to the best of the knowledge of SSIC.

Should you or members of SSIC have any further questions, please feel free to contact me at (214) 665-2280 or by any other means noted in the Agreement.

Sincerely yours,

A handwritten signature in black ink that reads "Gene Keepper".

Gene Keepper, CHMM
RCRA Project Manager
Technical Section (6EN-HX)

Enclosures

cc: Michael Pisani, MP&A
Louis Smaihall, SBA
Lourdes Iturralde, LDEQ
Keith Horn, LDEQ-RSD



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 6
1445 ROSS AVENUE, SUITE 1200
DALLAS, TX 75202-2733

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EPA REGION VI

VIA FEDERAL EXPRESS: 8220 0515 8452

SSIC Remediation, L.L.C.
c/o Atty. Michael A. Chernekoff
Jones Walker
201 St. Charles Avenue, 50th Floor
New Orleans, LA 70170-5100

VIA FAX & CERTIFIED MAIL-RETURN RECEIPT REQUESTED: 7000 5020 0022 2560 7543

Mr. Louis Smaihall
Owner/President
SBA Shipyards, Inc.
P.O. Box 1386
Jennings, LA 70546

Re: Order and Agreement ("Agreement") for Interim Measures/Removal Action ("IM/RA") of Hazardous/Principal Threat Wastes at SBA Shipyards, Inc., Jennings, LA, EPA ID No. LAD008434185 ("SBA") pursuant to Section 3008(h) of the Resource Conservation and Recovery Act ("RCRA"), 42 U.S.C. § 6928(h). Docket No. RCRA-6-2002-0908.

Dear Messrs. Chernekoff and Smaihall:

The U.S. Environmental Protection Agency, Region 6 ("EPA") has identified elevated levels of certain contaminants in waste, soil, subsoil, and ground water media at SBA. This contamination resulted from historic clean-out operations at SBA conducted within barges and ships for or on behalf of members of SSIC Remediation, L.L.C. ("SSIC") and others. The clean-out residues were placed in tanks, two (2) impoundments and a land farm.

Samples were obtained from the area at SBA identified hereinafter as the SBA South Operable Unit ("SBA-SOU"), including samples of soil and subsoil media, and of tank and impoundment contents. The SBA-SOU shall be defined as all SBA property generally south and west of the line identified as "Lease Line of Property by Others" on the attached Statement of Work ("SOW"), Figure 1: Facility Plot Plan. The SBA-SOU soil and subsoil media samples contained concentrations of anthracene, chrysene, fluoranthene, phenanthrene, methylene chloride, and chromium exceeding the EPA Region 6 Media Specific Screening Levels.¹ Certain of the SBA-SOU tank and impoundment samples exceeded the Toxicity Characteristic Regulatory Limits for benzene and vinyl chloride. Most of the contamination of interest for the IM/RA described in the attached SOW exists in and around the areas noted in SOW Figure 1 as oil pit, oily material tanks, partially buried barge.

Ground water samples were obtained from the area at SBA identified hereinafter as the SBA Ground Water Operable Unit ("SBA-GWOU"). The SBA-GWOU, at a minimum, follows the areal extent of the SBA-SOU and may incorporate additional subsurface lateral extent as a function of ground water flow and contamination patterns. The SBA-GWOU ground water samples contained non-aqueous phase liquids and concentrations of benzene exceeding the maximum contaminant level ("MCL") for drinking water.

¹The EPA Region 6 Media Specific Screening Levels are available on the world wide web at http://www.epa.gov/earth1r6/6pd/rcra_c/pd-n/screen.htm.



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The elevated contaminant levels in the SBA-SOU soil and subsoil and in the SBA-GWOU ground water constitute a release of hazardous constituents to the environment. In accordance with Section 3008(h) of RCRA 42, U.S.C. 6928(h), EPA has the authority to issue an Order to require cleanup actions where the Agency has made a determination that there is a release of hazardous constituents into the environment from an interim status facility. SBA should have had interim status or a permit to store characteristic hazardous wastes in impoundments and operate a land farm. EPA believes that the presence of hazardous constituents in the environment at SBA presents a threat to human health and the environment. Consequently, cleanup actions at SBA are necessary to limit exposure for humans or organisms to these hazardous constituents.

EPA has reviewed the attached SOW, submitted by SSIC, and finds it acceptable for an IM/RA. SBA agrees to implement an IM/RA on the SBA-SOU to meet visual removal levels as outlined in the SOW, with SSIC project management assistance. Implementing activities described in the SOW will remove the hazardous/principle threat wastes and allow future long term remedial work at SBA to proceed safely. EPA intends to pursue future long-term remedial work at the SBA facility, under a subsequent agreement to be finalized within three (3) years.

I. Requirements, Studies, and Documents Incorporated by Reference

SBA shall implement all parts of the SOW which is incorporated by reference into this Agreement and SSIC shall fund and assist in management of that implementation. The parties recognize that the SOW requires studies and/or work plans be submitted to EPA for comment and/or approval. All such studies and work plans, upon approval by EPA, are deemed incorporated by reference into both this Agreement and the incorporated SOW. Any changes to the scope of the SOW, whether an increase or a decrease in scope of the SOW, must be in writing and must be agreed to by the Project Managers designated below.

II. Project Managers

EPA has designated a Project Manager to provide oversight for the activities in this Agreement. The EPA Project Manager shall be EPA's designated representative for remedial activities at the Facility and shall be:

Mr. Gene Keepper, CHMM
RCRA Project Manager
U.S. Environmental Protection Agency
Region 6 (6EN-HX)
1445 Ross Avenue, Suite 900
Dallas, Texas 75202-2733
Phone: 214-665-2280
Fax: 214-665-7264
E-mail: Keepper.Gene@epa.gov

SBA and SSIC have designated a joint Project Manager to oversee implementation of the SOW. The SBA/SSIC designated Project Manager is:

Mr. Michael E. Pisani, P.E.
Michael Pisani & Associates, Inc.
1100 Poydras Street
Energy Center
New Orleans, LA 70163
Phone: 504-582-2468
Fax: 504-582-2470
E-mail: m.pisani@ix.netcom.com

Unless otherwise provided herein, all communications between SBA/SSIC and the EPA, and all documents, reports, approvals, and other correspondence concerning the activities performed pursuant to the terms and conditions of this Agreement shall be directed through the Project Managers.

SBA/SSIC shall notify the EPA in writing of the name, title, and qualifications of any contractors or subcontractors and their personnel to be used in carrying out the terms of this Agreement within five (5) calendar days of the effective date of this Agreement, or within five (5) calendar days prior to such contract or subcontract.

III. Effective Date of this Agreement

SBA shall state its agreement to perform the activities in this Agreement, jointly with SSIC, by the signing by a responsible official on the signature line for SBA found below. SSIC shall state its agreement to perform the activities in this Agreement, jointly with SBA, by the signing by a responsible official on the signature line for SSIC found below. The original of this Agreement with the signatures for SBA and SSIC shall be returned to EPA within 45 calendar days of receipt of this Agreement. This Agreement is effective upon the signatures for both SBA and SSIC and the filing by EPA of the original Agreement containing the signatures for EPA, SBA, and SSIC with the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 6.

IV. Work

EPA acknowledges that the work performed at this facility in accordance with this Agreement would achieve programmatic parity, avoid duplication and delay, and achieve substantive consistency between remedial programs as described in the NPL/RCRA deferral policy (54 FR 41000).

V. Contribution Protection

The parties agree, and by entering into this Agreement EPA intends, that SBA, its President, Mr. Louis Smaihall, SSIC and the members of SSIC are entitled, as of the effective date of this Agreement, to protection from contribution actions or claims for the actions or matters addressed by Section 3008(h) of RCRA and memorialized in this Agreement.

VI. Oversight Costs

If SBA and SSIC fulfill all obligations of this Agreement, EPA agrees it will not assert any claim against SBA or SSIC (or its members) for costs associated with oversight of work by EPA's RCRA Project Manager performed by SBA and/or SSIC under this Agreement.


If either SBA chooses not to implement or SSIC chooses not to fund or assist in managing work pursuant to the SOW, EPA will evaluate its options (including issuance of Unilateral Orders under Sections 3008(h) or 7003 of RCRA or CERCLA remedial action) against all parties to ensure that concerns are properly addressed. If problems or unforeseen circumstances arise, the EPA will assist as needed to achieve a timely and effective remediation. EPA appreciates your cooperation in this matter. If you have any questions concerning the work required by this Agreement, please do not hesitate to contact Mr. Gene Keeper by any method previously indicated.

Sincerely yours,

A handwritten signature in cursive script that reads "Samuel Coleman, P.E." followed by the word "Acting" in a slightly larger, more stylized cursive font.

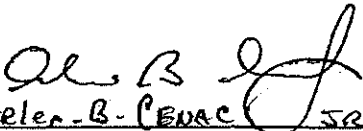
Samuel Coleman, P.E.
Director
Compliance Assurance and
Enforcement Division

IT IS AGREED:


Mr. Louis Smaihall
Owner/President, SBA Shipyards, Inc.

Date: 11/21/02

IT IS AGREED:


Aileen B. Cevac
Signature/Printed Name, Manager
SSIC Remediation, L.L.C.

Date: 11/14/02

Enclosure

cc: Lourdes Iturralde, LDEQ
Keith Horn, LDEQ-RSD
Michael Pisani, Michael Pisani and Associates

CERTIFICATE OF SERVICE


I hereby certify that on the 10 th day of December 2002, the original of the Subject Letter Agreement was hand delivered to and filed by the Regional Hearing Clerk, U.S. Environmental Protection Agency, Region 6, Wells Fargo Bank Tower, 1445 Ross Avenue, Dallas, Texas 75202-2733, and that on the 12 th day of December 2002, that true and correct copies of the Letter Agreement were sent to the following by the method indicated below:

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7000 0520 0022 2560 7567

Mr. Louis Smaihall
Owner/President
SBA Shipyards, Inc.
P.O. Box 1386
Jennings, LA 70546

VIA CERTIFIED MAIL - RETURN RECEIPT REQUESTED: 7000 0520 0022 2560 7550

SSIC Remediation, L.L.C.
c/o Atty. Michael A. Chernekoff
Jones Walker
201 St. Charles Avenue, 50th Floor
New Orleans, LA 70170-5100


Signature _____
12 Dec 2002

**August 15, 2001
Statement of Work
Accelerated Cleanup Action**

**SBA Shipyards, Inc.
Jennings, Louisiana**

Summary

This Statement of Work (SOW) describes Interim Measures to be performed at the SBA Shipyards, Inc. ("SBA"), site near Jennings, Louisiana ("the Site"). The Interim Measures described herein address removal and offsite thermal destruction of oils and the solidification & stabilization of oily sludges. These materials pose a potential risk of fire, explosion or release to the environment. The objective of these Interim Measures is to reduce that threat through the removal of these materials.

This SOW describes the framework and major work components by which the objective of these Interim Measures will be met. Detailed descriptions of key work components and/or tasks (e.g., treatability testing, water disposal, selection of offsite disposal facilities for solidified sludges, etc.) will be presented to the U.S. EPA in brief work plans for review and approval. For each key task, a brief work plan will be submitted at least ten working days prior to commencement of that task.

SBA will transport pumpable oils and oily materials from the site to an offsite permitted thermal destruction facility. Oils, waxes and oily sludges that are not acceptable to the thermal destruction facility will be solidified and stabilized in-situ, and the solidified/stabilized material will be transported offsite to a RCRA Subtitle D permitted landfill.

This SOW does not address ground water, nor does it address any impacted media stemming from site activities not directly associated with barge-cleaning activities conducted by SBA.

Site Description

The Site is located on the west bank of the Mermentau River at the end of Louisiana Highway 3166 (Castex Landing Road), approximately four miles southeast of Jennings, Louisiana and approximately two miles southwest of Mermentau, Louisiana. The SBA facility was used to construct, repair and clean barges and other marine vessels since the mid-1960s. The approximately 98-acre site is a predominantly open area on the banks of the Mermentau River.

Beginning in 1993, the portion of the site used to construct and repair barges and other marine vessels was leased to another firm; that firm has since acquired the leased portion of the SBA facility. The portion of the site used by SBA for "gas-free" barge cleaning activities is the portion of the site located south of the barge slip. A site map, showing major site features, is attached as Figure 1.

A mixture of oils and water resulting from past barge cleaning activities is contained in a number of aboveground steel tanks and vessels in the portion of the facility used for barge cleaning activities. A partially buried barge contains a number of compartments filled or partially filled with oil, water and small amounts of solids and/or sludges. In addition, an open earthen pit on the site contains oil, waxes, solids and/or sludges and water.

Scope of Work

This SOW describes only Interim Measures associated with the stabilization and/or removal of pumpable oils and oily sludges that were generated by SBA as part of barge-cleaning activities at the facility.

This SOW defines the scope of planned Interim Measures for addressing oils and oily sludges generated by barge-cleaning activities conducted by SBA, at its barge-cleaning facility near Jennings, Louisiana. The objective of the Interim Measures described herein is to minimize the potential for release of contaminants from the site by reducing the mobility, toxicity and volume of contaminated media.

The volume, mobility and toxicity of contaminated media will be reduced through the removal from the site of pumpable oils and oily material generated by previous barge cleaning activities conducted at the site. These pumpable oils and oily materials will be incinerated or otherwise thermally destroyed at an offsite, permitted facility.

The volume, toxicity and mobility of contaminants at the site will also be reduced through the stabilization/solidification and offsite disposal (as non-hazardous solid waste) of waxes and sludges generated by barge cleaning activities at the site. In the unlikely event that any material is not accepted for offsite disposal by a RCRA Subtitle D facility, it will be stabilized/solidified, consolidated onsite, and capped with a low-permeability polymer liner until appropriate measures for management and final disposition of the consolidated material can be determined.

A work plan with a definite schedule for final disposition of consolidated onsite materials will be submitted to U.S. EPA within 45 days after completion of the consolidation activities.

The scope of this SOW is performance of the Interim Measures described herein. The scope of the Interim Measures is limited to addressing pumpable oil mixtures, waxes, sludges and sludge-like soils generated by barge cleaning activities at the site.

Management of ground water and/or contaminated soils which may be associated with SBA's barge cleaning activities will be addressed in the future, after the Interim Measures described herein have been completed and evaluated with respect to Preliminary Remedial Goals for the site.

Preliminary Remedial Goals

Preliminary Remedial Goals (PRGs) for the Interim Measures described herein are the removal of oils and oily materials contained in tanks and land based units (i.e., earthen pits and landfarm) at the Site, the SBA South Operable Unit (SBA-SOU). These fluids and sludges contain hazardous constituents in concentrations great enough which present a potential risk of fire, explosion or release to the environment. The removal of these materials from the site will eliminate or mitigate against any such risk. Under these criteria, the site-specific PRGs are:

- Complete removal of oils and oily Principal Threat/Hazardous Wastes contained in all Site tanks or containers followed by decontamination. Removal & decontamination, will be followed by exhumation, if necessary, demolition, and cutting & scrapping of all tanks or containers. Details of decontamination, exhumation, if necessary, demolition, and cutting & scrapping of all tanks are presented in a section below.
- Removal of Principal Threat/Hazardous Wastes from the Site land based units (i.e., impoundments and landfarm) shall, at a minimum, be based upon visual observations of surface or subsurface staining and physical characteristics of the oily materials (i.e., viscosity, solids content and pumpability) not numerical concentration criteria for purposes of this Interim Measures Removal. Respondents may use as yet unidentified numerical PRGs for confirmatory sampling, once those PRGs are identified by respondents and agreed to by both EPA and Respondents. Removals will be performed on site Principal Threat/Hazardous Wastes in the earthen pit(s) and landfarm to a depth and laterally to where no visible staining is apparent or six inches below the interface between pit/landfarm sludges and underlying soils whichever is less but still at or above the water table. If the water table is encountered above the interface of pit sludges and underlying soils, removal shall occur only to the water table.

Guidelines for final disposition of removed materials are presented below:

- Offsite incineration of pumpable oil mixtures conforming to acceptance criteria of the incineration facility or facilities.
- Stabilization/solidification and offsite RCRA Subtitle D facility disposal of waxes/sludges and oil mixtures not conforming to acceptance criteria of the incineration facility or facilities.
- Stabilization/solidification and temporary onsite consolidation/containment of stabilized/solidified waxes/sludges and oil mixtures not conforming to acceptance criteria of the offsite RCRA Subtitle D facility or facilities. Ultimate disposition of the consolidated material will be determined through a focused feasibility study of appropriate management alternatives.

The Louisiana Risk Evaluation/Corrective Action Program (RECAP), promulgated June 20, 2000 at LAC 33:I.1307, *et seq.*, defines a tiered human health risk-based program for defining cleanup standards for contaminated sites, based on site-specific risk parameters, including current and future use of the site, site geometry, and site geology. The most current version of the Louisiana RECAP program or more stringent risk-based cleanup standards developed under RCRA, including ecological risk based standards, will be considered for any additional work at the site. That additional work may include the development of long-term remedial goals for the site which are protective of human health and the environment, including, but not limited to, the adjacent jurisdictional wetlands and Mermentau River aquifer or other as-yet unidentified ecological receptors.

Inventory of Oil Mixture

The site contains approximately one million gallons of a relatively solids-free oil mixture. This oil mixture consists of roughly 48% hydrocarbons, 50% water and 2% solids in a tightly bound and viscous, black oily emulsion. This material is contained in the partially buried barge/tank and other onsite tanks.

The estimated inventory of oil mixture is summarized in Table 1 (attached). The material inventory estimates provided in Table 1 are based on vessel dimension measurements, visual observations, and tank content measurements made by Michael Pisani & Associates, Inc. on May 3, 2001. The total estimated inventory of pumpable oil mixture is approximately 1.16 million gallons (approximately 27,650 barrels) in the six major vessels and 14 compartments of the partially buried barge/tank located at the site.

The waxes and sludges in the earthen pit may not meet the acceptance criteria of the offsite disposal facility (i.e., viscosity and solids content) and are not included in the inventory of pumpable oil mixture described herein. Based on data presented in the facility's *RCRA Facility Investigation Work Plan* (Woodward-

Clyde Consultants, Inc., October 1996), the estimated inventory of oily sludges in the earthen pit is approximately 1.5 million to 1.7 million gallons.

The volume of oil mixture transported offsite will be measured and recorded by the incineration facility or other facilities accepting the material from SBA. In addition, the transporter hauling the material will measure the size of each truckload transported from the site for billing purposes.

Removal and Offsite Disposal of Oil Mixture

Pumpable oil mixture will be:

1. Heated (if necessary to reduce viscosity);
2. Filtered through cartridge filters to remove large solids;
3. Loaded into tanker trucks (or onto barges, if feasible) for transport;
4. Manifested for transport, measured (by volume); then
5. Transported offsite for weighing and thermal destruction.

Rhodia, Inc. (Baton Rouge, Louisiana and Houston, Texas) accepted the oil mixture for conducting a trial burn. Based on the successful trial burn results, Rhodia has commenced incineration of the oil mixture on a full-scale basis. In addition, discussions with Safety-Kleen Corporation (Deer Park, Texas) are also in progress for Safety-Kleen to incinerate the oil mixture as well.

Scrapping Empty Vessels

As vessels at the Site (including the partially buried barge/tank) are emptied during the execution of these Interim Measures, the empty vessels will be exhumed, if needed, decontaminated, then cut up and sold as scrap metal or sold for reuse. Prior to scrapping or reuse, each empty vessel will be cleaned to remove residual oil and solids. Water and/or steam blowdown that accumulates in the vessel during cleaning will be collected in remaining tankage and managed with other site water, as described in a subsequent section of this SOW.

As the inventory of oily material is reduced, U.S. EPA will be notified of planned empty vessel scrapping activities at least ten working days prior to commencing the work. Decontamination and scrapping procedures will be described in a brief work plan submittal for EPA review and approval.

Stabilization of Waxes and Sludges

The waxes and sludges are contained in the open, onsite earthen pit. The earthen pit also contains water and may also contain small amounts of relatively solids-free oil mixture. The water in the earthen pit will be pumped out of the pit and disposed as discussed in the following section regarding water disposal.

Pumpable, relatively solids-free oil mixture from the earthen pit will be pumped to an onsite tank for management with the oil mixture sent offsite for incineration.

The remaining waxes, oily sludges, oily soils and any impacted soils found above the water table, will then be solidified/ stabilized *in situ* in the earthen pit using fly ash, portland cement and site soils. Optimal dosages and types of stabilization reagent will be determined by bench-scale treatability testing prior to full-scale implementation. The treatability study will include analyses of untreated materials, as well as laboratory analyses of treated materials.

Based on the bench-scale treatability testing results, optimal dosages and types of stabilization reagents will be added to the earthen pit, and the material will be mixed in-situ with a dragline or hydraulic excavator. Pending the results of the treatability study, soil may augment the solidification/stabilization process by increasing the solids content of the oily material, reducing the quantity of required binding reagent and improving the effectiveness of the pozzolanic binding reaction.

Soils will be excavated to a depth of approximately 18 inches from the approximately 100-foot by 200-foot former landfarm unit area west of the oil pit. The extent of excavation will be determined in the field by visual observations of soil staining. The landfarm soils will be solidified/stabilized with the contents of the oil pit.

The stabilized material will then be allowed to harden or cure over a period of several weeks. Precipitation or other accumulated water in the pit will be pumped off and managed as described in the Water Management section of this SOW.

After the stabilizing reactions are complete, the stabilized materials will be sampled and profiled for offsite disposal as non-hazardous, industrial solid waste. Upon acceptance by a permitted solid waste disposal facility, the stabilized material will be excavated and transported offsite for final disposal as solid waste or use as landfill cover material at a permitted RCRA Subtitle D landfill facility. For materials accepted by the RCRA Subtitle D facility, a Land Disposal Regulations (LDR) certification that the stabilized/solidified material does not exhibit hazardous waste characteristics will be prepared and signed by SBA's designated representative.

In the unlikely event that no RCRA Subtitle D facility will accept the stabilized/solidified material, appropriate alternative treatment or offsite disposal measures will be evaluated, depending upon the disqualifying characteristic of the material. A work plan for development of a feasibility study for final disposition of consolidated materials will be submitted to U.S. EPA within 45 days after completion of consolidation activities.

Brief work plans describing the treatability testing and waste testing procedures will be prepared and submitted to U.S. EPA for review at least ten working days prior to commencing the work.

Water Management

Water will be stored in either the partially buried barge or onsite tanks. At the appropriate time and depending upon water volumes and characteristics, the water will either be treated and discharged pursuant to Louisiana Department of Environmental Quality (LDEQ) authorization or transported offsite for treatment and disposal at a permitted commercial facility.

A brief work plan describing water management procedures will be prepared and submitted to U.S. EPA for review at least ten working days prior to commencing the work.

Interim Closure Measures

The emptied earthen pit will be backfilled using uncontaminated onsite soils. Nutrients (e.g., nitrogen-containing agricultural fertilizers) may also be added prior to backfilling and regrading excavated areas (e.g., the former pits). The nutrients will be entrained into the soil using a bulldozer and/or tractor-pulled disks, which will also aerate and mix the soil prior to compaction and regrading. Details of the backfilling operation and nutrient addition will be produced in a separate workplan for approval by the EPA.

Based on waste profile sampling and analytical results from samples of stabilized and solidified materials, any material not accepted by the offsite disposal facilities will be stabilized/solidified and consolidated onsite. Consolidated materials will be confined to as small an areal footprint as is practicable, depending upon material volume, design of adequate top and side slopes for surface drainage and slope stability, and other pertinent design factors. As a current concept, the material will be consolidated aboveground, compacted and capped with a low-permeability polymer liner to minimize surface water infiltration for interim staging/storage while decisions for ultimate disposal are made. Excavated areas will be backfilled and compacted. The surfaces of backfilled areas will be graded for proper surface drainage and seeded with native grasses.

A brief work plan describing interim closure measures will be prepared and submitted to U.S. EPA for review at least ten working days prior to commencing the work.

Site Health and Safety

Site activities will be performed in accordance with procedures described in the site-specific health and safety plan developed as Appendix A of *Interim Site Stabilization Measures Work Plan* (Woodward-Clyde Consultants, Inc., October 1996). During stabilization/solidification activities conducted at the site, fenceline ambient air monitoring of airborne particulates will be performed to monitor potential human health affects to site workers and offsite personnel. Air monitoring limits shall be established protective of off-site personnel. Work modification or stoppage shall be implemented as needed to maintain off-site protectiveness.

Reporting

As the Interim Measures described herein are implemented, monthly progress reports will be submitted to U.S. EPA, documenting the implementation of the Interim Measures described herein, including the removal and offsite disposal of oil mixture. Each monthly progress report will describe (for the reporting period) activities performed, upcoming planned tasks, problems encountered and measures taken to correct those problems. Air monitoring limits shall be established protective of off-site personnel. Work modification or stoppage shall be implemented as needed to maintain off-site protectiveness.

As described previously herein, brief work plans will be submitted for U.S. EPA review at least ten working days prior to commencement of the following key tasks:

- Scrapping of Empty Vessels
- Stabilization of Waxes and Sludges
- Water Management
- Interim Closure Measures
- Area of Contamination Consolidation (if required).

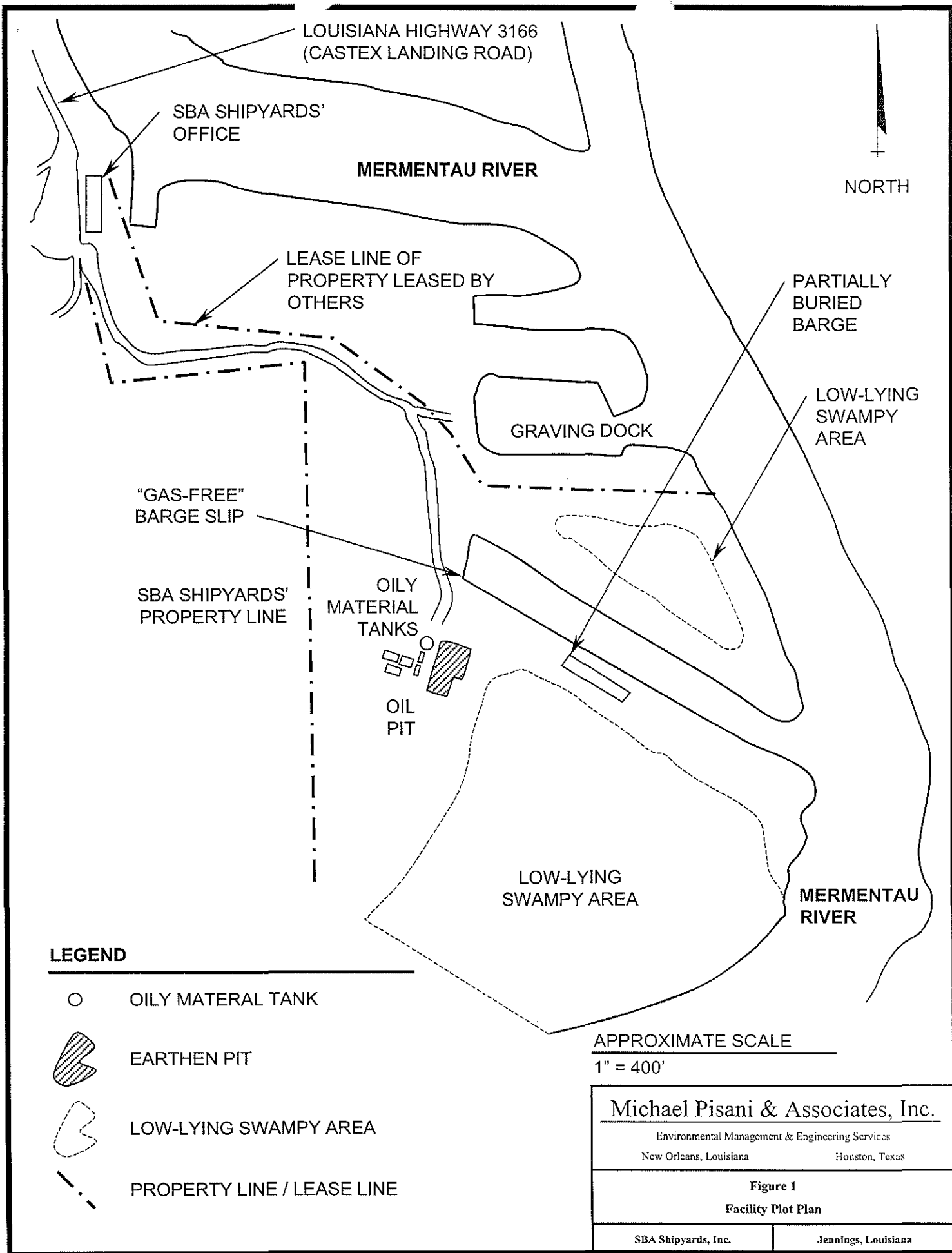


Table 1

**Pumpable Oily Material Inventory
May 3, 2001**

**SBA Shipyards, Inc.
Jennings, Louisiana**

Tank or Impoundment	Estimated Maximum Capacity		Observed Depth of Contents ^(u)	Estimated Material Inventory			Visual Observations ^(u)
	(gallons)	(barrels)		(gal)	(barrels)	(pounds) ^(u)	
Selected Tanks							
Tank AT-1	17,042	406	52"	9,814	234	81,898	Horizontal cylindrical tank (mostly water).
Tank AT-2	17,042	406	77"	13,703	326	114,352	Horizontal cylindrical tank (2" sludge layer on botto
Tank WT-1	106,837	2,544	85"	88,561	2,109	739,044	Very thick oil.
Tank WT-2	111,482	2,654	70"	77,553	1,847	647,183	24" sludge layer on bottom.
Tank WT-3	109,159	2,599	93"	93,998	2,238	784,416	36" sludge layer on bottom.
Tank ST-1	420,000 ^(c)	10,000	9' - 10" ^(d)	99,474	2,368	830,111	38' high vertical cylindrical tank.
Total	781,562 gallons	18,609 barrels		383,104 gallons	9,122 barrels	3,197,003 pounds	
Former Barge (OT-4)							
Bow Rake Tank	26,853	639	56"	20,862	497	174,093	Very thick oil (2" sludge layer on bottom).
Deck Tank S	Not Measured	Unknown	Empty	Negligible	Negligible	Negligible	Dry, some rust scale.
Deck Tank P	Not Measured	Unknown	6"	Negligible	Negligible	Negligible	Oil, no visible water.
Compartment 1S	75,054	1,787	118"	65,659	1,563	547,924	
Compartment 1P	75,054	1,787	119"	64,874	1,545	541,374	
Compartment 2S	71,808	1,710	78"	58,344	1,389	486,881	
Compartment 2P	71,808	1,710	78"	58,344	1,389	486,881	
Compartment 3S	100,279	2,388	111"	84,325	2,008	703,692	
Compartment 3P	100,279	2,388	111"	84,325	2,008	703,692	
Compartment 4S	100,279	2,388	114"	86,604	2,062	722,710	
Compartment 4P	100,279	2,388	114"	86,604	2,062	722,710	
Compartment 5S	86,908	2,069	115"	75,689	1,802	631,625	
Compartment 5P	86,908	2,069	114"	75,057	1,787	626,351	
Aft Trim Tank	18,388	438	112"	17,447	415	145,595	
Total	913,897 gallons	21,759 barrels		778,134 gallons	18,527 barrels	6,493,528 pounds	
Grand Total	1,695,459 gallons	40,368 barrels		1,161,238 gallons	27,649 barrels	9,690,531 pounds	

NOTES:

(a) Based on bulk density of 8.345 pounds/gallon.

(b) MP&A site visit (May 3, 2001).

(c) According to Mr. Louis Smathall, the total volume is 10,000 barrels (420,000 gallons).

(d) Measurement read from permanently installed float gauge on tank.